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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/470,292	12/22/1999	GLENN D. BEGIS	884.171USA1	5981

21186 7590 12/15/2004

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EXAMINER	
WANG, LIANG CHE A	

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/470,292	BEGIS, GLENN D.	
	Examiner	Art Unit	
	Liang-che Alex Wang	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 August 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *68-95* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *68-95* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 68-95 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 68-70, 78-79, 82-85, 87, 89, 92-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda et al, US Patent Number, hereinafter Beyda, in views of Shtivelman et al., US Patent Number 6,078,581, hereinafter Shtivelman.

4. Referring to claim 68 Beyda has taught a data processing system,(see figure 1) comprising:

   a. a plurality of devices interconnected in a local area network (see figures 1, 3-5, Col 4 lines 14-21) at least of three of the devices (figures 1, 3-5, figure 1 items 14, 16, 18, 20, 22, 24) having

      i. multiple source modes (see figure 4, each device sends voice data out to the gatekeeper, therefore there are multiple source modes) each identifying at least one other mutually different device of the plurality of devices to receive data from the each device (Col 2 lines 37-40, 55-58, the first terminal is addressed to transmit data to the second terminal, therefore first

terminal is identifying the second terminal to receive the data from the first terminal) without identifying any of the devices to provide data to the each device (when the first terminal is solely transferring data to second terminal, it is at the state of "without identifying any of the devices to provide data to the each device");

ii. multiple sink modes (see figure 4, each device receives voice data from the gatekeeper, therefore there are multiple sink modes) each identifying at least one other device of the plurality of devices to provide data to the each device (Col 2 lines 37-40, 55-58, the first terminal is addressed to transmit data to the second terminal, second terminal is inherently set to the sink mode in order to receive the transmitting voice data from first terminal, therefore second terminal is identifying the first terminal to provide the data to the second terminal) without identifying any of the devices to receive data from the each device (when the second terminal is solely receiving the data from the first terminal, it is in the state of "without identifying any of the devices to receive data from the each device");

b. a stream controller (Figure 4, item 10 , Col 4 lines 14-18) to select among the multiple source modes and the multiple modes for any of the at least three devices (Col 4 lines 14-18, gatekeeper provides controlling access to multiple communication devices on the LAN), so to establish a data stream connection among certain of the plurality of devices as identified by the selected source and

sink modes (Col 2 lines 37-40, 55-58, also see figure 4), such that at least a first of the three devices (figures 1, 3-5, shows at least three devices) is configurable to provide data to a second of the devices in the plurality without providing data to a third device in the plurality (as Beyda taught about multiple sink and source modes, first device would only provide data to a second device without providing data to a third device if the mode is only indicating the data transmission from the first device to the device) , and is configurable to receive data from the third device without receiving data from the second device (this happens when a mode is indicating the first device only receives data from the third device.)

Beyda has not explicitly taught the limitation of at least a first of the three devices is configurable to provide data to a second of the devices in the plurality without providing data to a third device in the plurality, and is configurable to receive data from the third device without receiving from the second device.

However, Shtivelman has taught an Internet call waiting system where at least a first of the three devices is configured to provide data to a second of the devices in plurality without providing data to a third device in the plurality (Abstract, in a situation when caller A is talking to caller B, caller A is providing voice data over IP, without providing data to caller C), and is configurable to receive data from the third device without receiving from the second device (Abstract, when caller A accepted a call waiting from caller C, the connection between call A and caller B is either terminated or being on hold, therefore Caller A is receiving voice data from caller C over IP without receiving from caller B).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Beyda such that to include a Internet call waiting function as taught by Shtivelman (abstract) because both Beyda and Shtivelman has taught inventions of IP telephony communication.

A person with ordinary skill in the art would have been motivated to make the modification to Beyda because having the Internet call waiting function would allow a person connected to the Internet having only one telephone line can continue receive phone calls as taught by Shtivelman (Col 2 lines 17-23.)

Furthermore, Beyda has not explicitly taught the limitation of selecting the multiple source modes and the multiple sink modes independently of each other.

However, it is well known in the art that voice data could be transmitted among devices by using a bi-directional link as taught by Beyda, or using a transmitting data link and a receiving data link to transmit the voice data.

Having a bi-directional link as taught by Beyda would provide a cheaper, smaller, and slower communication among the devices. Having two transmitting data links would allow a more expensive but faster communications.

A person with ordinary skill in the art would have designed how the devices communicate in one of the two ways.

It would be obvious for a person with ordinary skill in the art at the time the invention was made to make the communication links between two devices to be a transmitting link and receiving link, because it is well know in the art as a designer's choice to provide a faster speed of communication among devices. Having the receiving and transmitting

links would allow selecting the multiple source modes and the multiple sink modes independently of each other.

5. Referring to claim 69, Beyda as modified has further taught where at least one of the source modes for at least one of the at least three devices identifies multiple ones of the plurality of devices to receive streaming data from the each device (figure 5, devices 18 and 20 both receives a misted first/third voice data 52.)
6. Referring to claim 70, Beyda as modified has further taught where at least one of the sink modes for the at least three device identifies multiple ones of the plurality of devices to provide data to the each device (figure 5, devices 14 and 16 provides the first voice data 42 to gatekeeper 10 to provide mixed first voice data to devices 18-24.)
7. Referring to claim 78, Beyda as modified has further taught where the streaming controller is distributed among multiple ones of the devices (see Figures 1, 3-5.)
8. Referring to claim 79, Beyda as modified has further taught where the streaming controller is implemented as a discrete unit (Figure 1, item 10.)
9. Referring to claims 82-84, claims 82-84, encompass the same scope of the invention as that of the claims 68-70. Therefore, the claims 82-84 are rejected for the same reason as the claims 68-70.
10. Referring to claim 85, Beyda as modified has further taught where the steaming data is a voice data (see figure 5, voice data.)
11. Referring to claim 87, Beyda has further taught where at least one of the devices in the at least three devices performs a processing function upon the streaming data (Col 2 lines 28-30, terminal could be either a telephone or a computing device, and see figure 4 the

voice data is transmitting in and out from the terminals, which is being processed by each terminal in order to send out and receive in the voice data.)

12. Referring to claim 89, Beyda as modified has further taught communicating streaming data among the certain devices (see figures 2-5.)

13. Referring to claims 92-95, claims 92-95, encompass the same scope of the invention as that of the claims 82-84, and 87. Therefore, the claims 92-95 are rejected for the same reason as the claims 82-84, and 87.

14. Claims 71-77, 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda in views of Shtivelman and in further views of Perrone, US Patent Number 6,418,199 hereinafter Perrone.

15. Referring to claim 71, Beyda as modified has taught an invention as described in claim 68, Beyda has further taught where the at least three devices includes a telephone, a computer to perform a data process function upon streaming data (Col 2 lines 28-30.)

Beyda has not taught where at least three devices includes a gateway to an external network.

However, Perrone has taught the voice communication could be provided and received to and from an external network (see figure 1A).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Beyda such that to include a gateway so the voice communication could be provided and received to and from an external network through the gateway.

A person with ordinary skill in the art would have been motivated to make the modification to Beyda because having the voice data to be transmitted to or received from an external network would allow Beyda's invention to be implemented to a wider ranges of locations, so not only people within the LAN of Beyda could be benefited by Beyda's invention but people outside of the LAN would also be benefited..

16. Referring to claim 72-77, since Beyda as modified has taught an invention where at least three devices includes a telephone, a computer and a gateway, and has also taught multiple sink and source modes for the at least three devices, therefore it would have been obvious to have all the different combination of the source and sink modes setup for the telephone, computer and gateway as described in claim 72-77.
17. Referring to claim 86, claim 86, encompass the same scope of the invention as that of the claim 71. Therefore, the claims 86 are rejected for the same reason as the claim 71.
18. Claims 80, 81, 90, 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda in views of Shtivelman and in further views of Klug, US Patent Number 5,799,320, herein after Klug.
19. Referring to claim 80. Beyda has taught an invention as described in Claim 68, which has a plurality of devices and at least one mode for each of the at least one device to be used in the connection.

Beyda has not taught where the controller is adapted to lock the mode of at least one device of the plurality of the device.

Klug has taught a locking mechanism to lock out PC from accessing data when there is a large number of PC accessing data and caused the system to be slow. (Col 11 lines 10-16)

However, a person with ordinary skill in the art would have realized that when there are plurality of devices are running at the same time, the system may be slow down as Klug has taught in Col 11 lines 11-12. Locking a mode would speed up the process of the particular mode.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time when the invention was made, to include a locking mechanism to lock the mode of at least one device during the connection as taught by Klug to prevent slow down of the system, which caused by large number of devices have access to the file at the same time.

20. Referring to claim 81. Beyda has taught an invention as described in claim 68, which has a plurality of devices and at least one mode for each of the at least one device to be used in the connection.

Beyda has not taught to use a semaphore to prevent multiple devices from simultaneously changing modes.

Klug has taught the use of a semaphore. (Col 2, line 66)

However, a person with ordinary skill in computer networking art would have realized that, the using of a semaphore to prevent simultaneous change of state during the computer process is well known in the art. Without a semaphore, the mode could be changed any time during the process. System would become chaos and system process would not be functioned well.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to include a semaphore to prevent multiple devices from simultaneously changing modes as taught by Klug to facilitate process of the system.

21. Referring to claims 90-91, claims 90-91, encompass the same scope of the invention as that of the claims 80-81. Therefore, the claims 90-91 are rejected for the same reason as the claims 80-81.

22. Claims 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda in views of Shtivelman and in further views of Cohn et al., US Patent Number 6,411,684 hereinafter Cohn.

23. Referring to claim 88, Beyda has further taught where the function is one or more of recognize the voice data (Col 6 lines 2-4). Beyda has not taught the function of converting voice signal to or from text, and translating text to different language, and executing voice commands.

However, Cohn has taught a voice network having functions of converting voice signal to or from text (Col 23 lines 9-22), and translating text to different language and executes voice commands (Col 5 lines 18-35.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Beyda such that the computer converts the voice data to or from text and translating text to different language.

A person with ordinary skill in the art would have been motivated to make the modification to Beyda because having voice text converted into text and display on the

screen would allow deaf users to "see" the speech, and also allow users with different language background can understand each other from the voice network.

Response to Arguments

24. Applicant's arguments with respect to claims 68-95, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

26. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.

28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on (571)272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang
December 6, 2004

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER